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August 10, 2012

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 13 – July 2012
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion



1. Actions Taken to Comply with Settlement Agreement during Previous Month

- An invoice for USEPA oversight for the period July 18, 2011, through May 31, 2012, was received on July 2. Respondents requested backup information from USEPA and received additional documentation on July 18 and July 31. USEPA and the Respondents agreed on a phased approach to payment for the oversight invoice, with payment of USEPA costs due August 2, payment of 75 percent of the CDM costs due August 18, and payment of the remaining 25 percent of the CDM costs, less disputed amounts (if any), due August 30.
- USEPA provided comments and partial approval on Section 2.2 of the Phase 1 RI Work Plan Addendum on July 5. The partial approval was to allow for the proposed sediment sampling to be conducted immediately upon completion of the Phase 1 RI subsurface sediment core collection activities. USEPA indicated that responses to the provided comments can be submitted after receipt of Agencies' comments on the remaining sections of the Phase 1 RI Work Plan Addendum.
- Technical Documents
 - USEPA provided comments on the following documents:
 - Data Applicability Report on July 23
 - Phase 1 RI Interim Data Report on July 24
 - Phase 1 RI Work Plan Addendum – Sections 1 and 2 on July 24 and Section 3 on August 2
 - Phase 1 Field Activities
 - The tidal survey was conducted on July 6.
 - The sixth round of analytical surface water sampling was conducted from July 8 to July 12.
 - Analytical subsurface sediment core collection and processing was completed on July 12 and July 13, respectively.
 - The fourth round of current meter data retrieval and associated sampling were conducted on July 23 and July 24.
 - Deviation Memorandum No. 3 was submitted to USEPA on July 21. The deviations were originally presented to USEPA in an e-mail dated June 11 and were subsequently discussed with and approved by USEPA on a teleconference on June 21.

- Meetings
 - Anchor QEA and common counsel for the Newtown Creek Group met with USEPA on July 10 to discuss the upland sites identified in the draft Data Applicability Report as needing additional investigation and analysis. It was discussed and agreed upon that meetings between the Respondents and USEPA will be held on a regular basis to discuss progress on the investigative efforts for these sites. The next meeting is scheduled for August 9.
 - An update meeting was held with USEPA on July 14. During this meeting, preliminary results of and/or observations from the February analytical surface water sampling, April fish community survey, June habitat and wildlife survey, and fish community survey and subsurface sediment core collection were presented.

2. Results of Sampling and Tests and Other Data Received by Respondents during Previous Month

- Final data validation and quality control review of the first (February) and second (March) rounds of analytical surface water column sampling results were completed. The validated data for these survey rounds, as well as the opportunistic sampling that was completed in fall 2011, are included on the enclosed compact disc (CD).
- Validation of the third and fourth rounds (April and May, respectively) of analytical surface water column sampling results continued.
- Validation of the benthic community surface water data (April and May high dissolved oxygen survey) continued.
- Quality control review of the Sedflume (March) and first round (April) of current meter data continued.

3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them

- None

4. *Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion*

- A Field Sampling and Analysis Plan Addendum detailing the thermal infrared imagery survey proposed in Section 2 of the Phase 1 RI Work Plan Addendum will be submitted to USEPA on or before August 1. As discussed previously, an expedited review of this work plan has been requested, so this survey can be conducted during the summer 2012 field season. The target window for completing this survey is between August 28 and September 4.
- A meeting with USEPA to discuss progress and next steps in the uplands source investigation process is scheduled for August 9.
- The following Phase 1 field activities are scheduled for the next 2 months:
 - Analytical surface water column sampling: Weeks of August 6 and September 3
 - Current meter retrieval, data download, and re-deployment: Week of August 20
 - Ecological surface sediment (benthic community) and surface water collection (low dissolved oxygen survey): Week of August 13 (3-week duration)
 - Fish community (low dissolved oxygen) survey: Week of August 13 (1-week duration)
 - Analytical surface sediment sampling (low dissolved oxygen): Week of August 20 (1-week duration)

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,



Jim Quadrini, P.E., BCEE
Anchor QEA, LLC

cc: Nica Klaber, USEPA Region 2 Remedial Project Manager
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
Dennis M. Reznick, Common Counsel for Newtown Creek Group Respondents
Susan Amron, Counsel for Respondent, City of New York